

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America)

v.)

Jason M. Jones)

Case No. *EP21mj1254ATB**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 26, 2021 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

-21 USC 846 (a)(1)

-Conspiracy to possess a controlled substance with intent to distribute, to wit,
crystal methamphetamine (5.1 kilograms)

This criminal complaint is based on these facts:

See attached Affidavit, which is marked Attachment "A", and which is incorporated by reference as if fully set out
 herein.

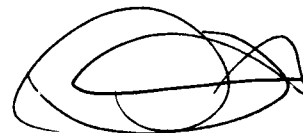
☒ Continued on the attached sheet.

Nicholas Barney
 Complainant's signature

Nick Barney, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/28/2021


Judge's signature

City and state: El Paso, Texas

Anne T. Berton, United States Magistrate Judge

Printed name and title

Oath Telephonically Sworn
 Date: 5-28-2021
 At 1:37 AM PM
 Fed.R.Crim.P 4 1(b)(2)(A)

ATTACHMENT "A"

On May 26, 2021, US Border Patrol Agent (BPA) Christopher Avelar and canine Arzen (CCEP#190498) were assigned checkpoint duties at the Sierra Blanca Border Patrol Checkpoint located west of Sierra Blanca, Texas. At approximately 6:30 a.m., a Greyhound bus (Bus#8699) entered the checkpoint. BPA Avelar and his canine conducted a non-intrusive canine sniff of the luggage located in the luggage bins below the passenger compartment of the bus. During the canine inspection, BPA Avelar observed his canine alert to the presence of concealed humans and/or controlled substances inside of a gray with orange trim hard case rolling luggage. BPA Avelar observed a baggage claim ticket with the name "Jason Jones" and a location of Jackson, Mississippi, hand written and attached to the luggage. BPA Oscar Lopez was assisting BPA Avelar and observed a small black lock on the luggage. Border Patrol agents removed the gray with orange trim luggage from the bus. During a canine sniff of the remaining luggage, BPA Avelar observed his canine alert to a green with black trim soft sided rolling luggage. This luggage was in the same compartment as the gray with orange trim luggage. BPA Avelar observed a baggage claim tag with the name "Jason Jones" attached to the green luggage. The green luggage was then removed from the bus.

BPA Avelar entered the bus and attempted to locate a passenger by the name of "Jason Jones". BPA Avelar received no responses from the passengers of anyone being identified as "Jason Jones". BPA Avelar requested identification from each passenger on the bus. A passenger at the rear of the bus stated that he did not have any identification on him. BPA Avelar asked the passenger for his boarding pass and the passenger stated that he lost his ticket. Border Patrol Agents later identified this passenger as Jason Markell JONES. BPA Avelar asked JONES to exit the bus in order to fully identify JONES.

Once off the bus, BPA Avelar asked JONES if he had any identification documents. JONES stated that he did not have any. JONES informed BPA Avelar that he gave his boarding pass to the bus driver. BPA Avelar informed JONES that the bus driver stated that drivers do not take tickets from the passengers. BPA Avelar asked JONES if he was traveling with any luggage or suitcases. JONES stated that he was not. BPA Avelar then entered the bus to search the area JONES was found sitting. BPA Avelar located a red backpack, black blanket, and a pillow sitting on a row of seats that were located in the area where JONES was sitting. BPA Avelar asked other passengers if the items were theirs and they stated the items were not theirs. BPA Avelar took the red backpack, blanket, and pillow off the bus after no one claimed the items.

BPA Avelar asked JONES if the red backpack was his. JONES stated the backpack was not his. Due to the passengers on the bus and JONES stating that the red backpack did not belong to them, BPA Avelar determined the bag to be abandoned. BPA Avelar opened the backpack in view of JONES and discovered United States Currency (USC) at the top of the bag. JONES immediately stated the money was his. BPA Avelar asked JONES to clarify because JONES already stated that

the backpack was not his. JONES then stated that the backpack belonged to him and the money was his as well. In the same zippered part of the backpack, BPA Avelar discovered a small black key. BPA Avelar stated to JONES that BPA Avelar believed the key would open the black lock located on the hard sided gray with orange trim luggage. BPA Avelar removed the key from the backpack and then JONES immediately ran from border patrol agents. JONES ran south away from the checkpoint, jumped over a barbed wire fence and continued running towards the desert. Agents pursued JONES into the desert and detained him.

Agents returned to the checkpoint with JONES and BPA Avelar continued searching the red backpack. BPA Avelar discovered a wallet that contained a California Driver's License. The Driver's License had the name, Jason Markell JONES, with a photo of JONES. BPA Avelar found the key in the red backpack and used it to open the lock on the grey with orange luggage. Inside the luggage, agents discovered a gift bag containing two packages that were wrapped in birthday wrapping paper. Agents also found two vacuum sealed packages in a red bag concealed inside a pair of jeans. BPA Lopez opened the wrapped packages and discovered boxes filled with similar vacuum sealed packages. Agents notified JONES that he was being placed under arrest for the suspicion of narcotics smuggling.

BPA Avelar opened one of the vacuum sealed packaged and discovered a package wrapped in tin foil and soaked in fabric softener. BPA Avelar removed the foil and discovered another vacuum sealed package. Inside this sealed package was a crystal like substance that subsequently tested positive for the presence of methamphetamine. Agents discovered a total of ten packages with a total weight of 5.1 Kgs/11.24 lbs of suspected crystal methamphetamine.

Drug Enforcement Administration (DEA) Special Agents (SA) were contacted to respond to the Sierra Blanca Checkpoint to continue the investigation. SA Nicholas Barney and SA Matthew Gauer were contacted, informed of the facts of the case, and responded to the checkpoint to conduct an investigation.

At approximately 1:45 pm., SA Barney and Gauer arrived at the Sierra Blanca checkpoint. Agents took custody of the ten bundles of suspected methamphetamine that had a total weight of 5.1 Kgs / 11.24 lbs. SA Barney and SA Gauer met with JONES at the Sierra Blanca Border Patrol Station to conduct a custodial interview. JONES was informed of his rights and completed a DEA-13 form acknowledging his MIRANDA rights. JONES agreed to speak with agents without a lawyer present. During the interview, JONES stated that he was traveling from Fresno, California to Jackson, Mississippi. JONES stated that a co-conspirator purchased the bus tickets and gave JONES the luggage prior to departing on the bus in Fresno, California. JONES stated that he was going to take the luggage to Jackson, Mississippi where he was to deliver the luggage to another co-conspirator. JONES stated that he placed the luggage in the luggage compartment of the bus before he got onto the bus. JONES stated to SA Barney and SA Gauer that he did not look into the luggage when he received it from the co-conspirator. The co-conspirator gave him the key to the luggage when he received the bus ticket. JONES believed that he was transporting ten pounds of

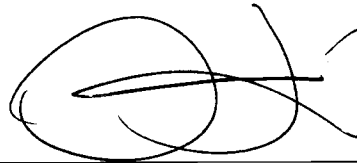
Marijuana for a payment of \$2,400.00. JONES stated that he was going to be paid the \$2,400.00 when he arrived in Jackson, Mississippi.

SA Barney presented the facts of the investigation to Assistant United States Attorney Ellen Denum who accepted the case for prosecution in the Western District of Texas. SA Barney and Gauer transported JONES to Las Palmas Medical Center to have JONES examined for injuries sustained during his arrest. JONES was cleared from the medical center and taken to the El Paso County Detention Center by SA Barney and SA Gauer without incident.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation. I state that the following information is based on information provided to me by other agents, and it is true and correct to the best of my knowledge and belief.

Nicholas Barney
DEA Special Agent Nicholas Barney

SWORN to before me this
May 28, 2020

A stylized, handwritten signature in black ink, consisting of a large, loopy 'A' followed by a series of overlapping loops and a final vertical stroke.

United States Magistrate Judge Anne T. Berton